



AGENDA REPORT

CITY OF SAN CLEMENTE

CITY COUNCIL MEETING

910 Calle Negocio
2nd Floor
San Clemente, California
www.san-clemente.org

Meeting Date: October 3, 2023

Agenda Item: 7H

Department: Public Works

Prepared By: Zak Ponsen, Assistant City Engineer

Subject:

CONSIDERATION OF A RESOLUTION AUTHORIZING ENTRY FOR CONSTRUCTION – SAN CLEMENTE SHORELINE COASTAL STORM DAMAGE REDUCTION PROJECT

Fiscal Impact:

None.

Summary:

As part of the upcoming San Clemente Shoreline Coastal Storm Damage Reduction Project, the City is required to formally grant authorization to the Department of the Army for entry onto City properties to complete the work. Before Council is a Resolution (Attachment 1) that duly authorizes the City Manager and/or Public Works Director/City Engineer to execute the Authorization for Entry for Construction (Attachment 2), as well as authorization for the execution of any such other documents necessary and proper to carry out the project.

Background:

The Council-approved San Clemente Shoreline Coastal Storm Damage Reduction Project is nearing construction and staff has been working with the Department of the Army, United States Army Corps of Engineers (USACE), to finalize permits necessary to begin construction. The Authorization for Entry for Construction will allow the USACE and its contractors to legally enter, work and stage on City properties and is required for construction to commence. The attached Resolution will allow staff to execute this agreement and any other remaining documents necessary to accomplish the project.

Council Options:

- Adopt Resolution 23-107 authorizing the City Manager and/or Public Works Director/City Engineer to execute the Authorization for Entry for Construction as well as to take such other and further actions and execute such other documents as are necessary and proper to accomplish the project.
- Modify and adopt Resolution 23-107.
- Continue the Item and direct staff to provide additional information.
- Deny Resolution 23-107, which would prohibit the project from moving forward.

Environmental Review/Analysis:

The CEQA documents for the San Clemente Shoreline Coastal Storm Damage Reduction Project were certified and approved by the City Council on July 18, 2023.

Recommended Actions:

Staff Recommendation

STAFF RECOMMENDS the City Council adopt Resolution No. 23-107 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE CITY MANAGER AND/OR PUBLIC WORKS DIRECTOR/CITY ENGINEER TO EXECUTE THE AUTHORIZATION FOR ENTRY FOR CONSTRUCTION AND OTHER SUCH DOCUMENTS AS ARE NECESSARY AND PROPER TO CONSTRUCT THE SAN CLEMENTE SHORELINE COASTAL STORM DAMAGE REDUCTION PROJECT.

Attachment:

1. Resolution 23-107
2. Authorization for Entry for Construction

Notification:

None.

RESOLUTION NO. 23-107

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE CITY MANAGER AND/OR PUBLIC WORKS DIRECTOR/CITY ENGINEER TO EXECUTE THE AUTHORIZATION FOR ENTRY FOR CONSTRUCTION AND OTHER SUCH DOCUMENTS AS ARE NECESSARY AND PROPER TO CONSTRUCT THE SAN CLEMENTE SHORELINE COASTAL STORM DAMAGE REDUCTION PROJECT

WHEREAS, the mission of the California Division of Boating and Waterways' Public Beach Restoration Program is to preserve and protect the California coastline by restoring and maintaining natural and recreational resources and minimizing damages by natural or man-made induced beach erosion; and

WHEREAS, the City of San Clemente has suffered severe beach sand loss in recent years, which has resulted in the loss of recreational beach, damages to or destruction of beachfront facilities and increased risk to beach patrons due to the exposure of underlying hard structures; and

WHEREAS, the U.S. Army Corps of Engineers (USACOE) completed a Feasibility Study and received congressional authorization for a sand replenishment project on a portion of the City's beach, which the City Council approved; and

WHEREAS, the environmental documents for the project were certified and approved by City Council on _____, 2023; and

WHEREAS, the San Clemente Shoreline Coastal Storm Damage Reduction Project requires the City to formally grant authorization to the Department of Army for entry onto City properties to complete the work for the project.

NOW, THEREFORE, the City Council of the City of San Clemente does hereby resolve as follows:

Section 1. That the City Manager and/or Public Works Director/City Engineer are authorized and directed to execute the Authorization for Entry for Construction in a form substantially similar to that presented to the City Council on October 3, 2023.

Section 2. That the City Manager is further authorized and directed to take such other and further actions and execute such other documents as are necessary and proper to accomplish the San Clemente Shoreline Coastal Storm Damage Reduction Project.

Section 3. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this _____ day of October, 2023.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) §
CITY OF SAN CLEMENTE)

I, LAURA CAMPAGNOLO, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. 23-107 was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of October, 2023, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of October, 2023.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

Elizabeth A. Mitchell, City Attorney



City of San Clemente City Managers Office

Andy Hall, City Manager
Phone: (949) 361-8341
HallA@san-clemente.org

October _ 2023

AUTHORIZATION FOR ENTRY FOR CONSTRUCTION

I, Andy Hall, City Manager for the City of San Clemente, do hereby certify that the City of San Clemente has acquired the real property interests required by the Department of the Army and otherwise is vested with sufficient title and interest in lands to support the San Clemente Shoreline Coastal Storm Damage Reduction Project. Further, I hereby authorize the Department of the Army, its agents, employees and contractors, to enter upon Parcel Nos. 692-331-01, 692-321-03, 692-321-02, 058-240-15, 058-240-14, 058-240-13, 058-240-12, and 058-240-11 for staging of equipment and to place/spread beach quality sand to replenish the City beach for the San Clemente Shoreline Coastal Storm Damage Reduction Project as set forth in the plans and specifications held in the U.S. Army Corps of Engineers' Los Angeles District, Los Angeles, California.

Witness my signature as City Manager for the City of San Clemente
this _____ day of October 2023.

By: _____
Andy Hall
City Manager

ATTORNEY'S CERTIFICATE OF AUTHORITY

I, Elizabeth A. Mitchell, City Attorney for the City of San Clemente, certify that the City of San Clemente has authority to grant the above Authorization for Entry; that said Authorization for Entry is executed by the proper duly authorized officer; and that the Authorization for Entry is in sufficient form to grant the authorization therein stated.

Witness my signature as City Attorney for the City of San Clemente
this _____ day of October 2023.

By: _____
Elizabeth A. Mitchell
City Attorney